



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 371 - 8946 TDD

MEMORANDUM

VIA Electronic Mail

To: Todd P. Haymore
Commissioner
Department of Agriculture and Consumer Services

Roy Seward
Director - Office of Policy, Planning & Research
Department of Agriculture and Consumer Services

Colleen Calderwood, DVM
Program Manager
Division of Veterinary Affairs

From: Eric A. Gregory
Assistant Attorney General

Date: May 29, 2008

Subject: Statement of Legal Authority for promulgation of Regulation for Scrapie Eradication (2 VAC 5-206)

I have reviewed the proposed Regulation for Scrapie Eradication (2 VAC 5-206) ("Regulation") and the Agency Background Document posted on Virginia Regulatory Town Hall.

In my view, as counsel to the Board, Commissioner, and Department of Agriculture and Consumer Services, the Board may promulgate the Regulation pursuant to statutory authority granted by §§ 3.1-734, 3.1-726, and 3.1-730 of the *Code of Virginia*. The proposed regulations do not appear to conflict with state or federal law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits, or public policy implications, of the proposed regulatory action.

